

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

**VICTORIA HARPER**

**PLAINTIFF**

**V.**

**CAUSE NO.** 5:19cv21DCB-MTP

**UNITED STATES DEPARTMENT OF THE ARMY**

**DEFENDANT**

**COMPLAINT**  
**(JURY TRIAL DEMANDED)**

COMES NOW, the Plaintiff, Victoria Harper, by and through counsel, and files this, her Complaint against the Defendant, Blake Thigpen, and would show unto this Honorable Court as follows:

**PARTIES**

1. Plaintiff, Victoria Harper (“Harper”), is an adult resident citizen of Adams County, Mississippi, and resides at 22 Prentiss St., Natchez, MS 39120.

2. The subject case involved a motor vehicle accident that occurred in Natchez, Mississippi, wherein an employee of the United States Department of the Army (“U.S. Army”), Blake Thigpen, caused the motor vehicle accident while driving a van owned by the U.S. Army within the cause and scope of his duties. Pursuant to 28 U.S.C. § 1346 and 28 U.S.C. § 2671, et seq., the U.S. Army may be served with process by delivering a copy of the Summons and Complaint to the U.S. Attorney for the Southern District of Mississippi, Mike Hurst, 501 East Court Street, Suite 4.430, Jackson, Mississippi 39201; and by sending a copy to the Attorney General of the United States, William Barr, U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001 by certified mail.

**JURISDICTION AND VENUE**

3. The motor vehicle accident giving rise to this claim occurred in Adams

County, Mississippi, and the subject case is subject to the Federal Tort Claims Act and this Court has exclusive jurisdiction of this case pursuant to 28 U.S.C. § 1346.

**FACTS**

4. Plaintiff re-adopts and reasserts all allegations set forth in Paragraphs 1 through 3 above.

5. On or about May 30, 2018, at approximately 3:28 a.m., Plaintiff, Harper, was driving her 2012 Toyota CBA in a safe and prudent manner in a Northerly direction on Canal Street near the intersection of Canal Street and Jefferson Street in Adams County, Mississippi. At this time, Defendant, Thigpen, was driving a 2016 Dodge Caravan owned by the U.S. Army in a Westerly direction on Jefferson Street approaching the intersection of Jefferson Street and Canal Street in an Easterly direction when suddenly and without warning, Defendant failed to stop his vehicle at the red traffic light and crashed into Plaintiff's vehicle, causing Plaintiff to suffer serious and disabling injuries and causing total damages to Plaintiff's vehicle.

6. Defendant, Thigpen, negligently caused the subject collision and proximately caused Plaintiff to sustain property damage, pain and suffering, lost wages, serious and disabling personal injuries, and other damages, all as set forth herein.

**COUNT ONE**  
**Negligence**

7. Plaintiff re-adopts and reasserts all allegations set forth in Paragraph 1 through 6 above.

8. At all times herein, Defendant, Thigpen, had a duty to operate his vehicle with reasonable care in a safe and prudent manner, and in accordance with Mississippi law, including the "Traffic Regulations and Rules of the Road." However, Defendant, Thigpen,

breached these duties, and was negligent in the following respects:

- a. Failing to drive his vehicle under reasonable and proper control;
  - b. Failing to keep a due and proper lookout ahead in the direction in which he was driving;
  - c. Failing to yield the right-of-way to Plaintiff's vehicle before hitting Plaintiff's vehicle head on;
  - d. Failing to maintain control of his vehicle in the proper lane of control;
  - e. Failing to obey the red traffic light at an intersection and failing to yield the right-of-way to Plaintiff's vehicle, which was approaching from the Defendant's left side so close as to constitute a hazard;
  - f. Operating his vehicle in a careless and/or reckless manner without due regard for the circumstances then and there existing and the safety of others, including the Plaintiff; and
  - g. Other negligent acts to be determined.
9. This negligence on the part of Defendant, Thigpen, was a proximate cause and/or contributing cause to the Plaintiff's injuries/damages described herein.

### **INJURIES / DAMAGES**

10. Plaintiff re-adopts and reasserts all allegations set forth in Paragraphs 1 through 9 above.

11. As a direct and proximate result of the Defendant's negligence, Plaintiff sustained serious, painful, and disabling bodily injuries. As such, Plaintiff is entitled to recover from Defendant the following damages:

- a. Past medical bills and expenses;
- b. Future medical bills, expenses and treatment;
- c. Past, present, and future pain and suffering;
- d. Mental anguish and loss of enjoyment of life;
- e. Disfigurement;

- f. Past and future lost wages;
- g. Property damage and loss of use of vehicle and rental car expense; and
- h. Other damages to be designated.

12. Further, as a direct and proximate result of the subject collision, Plaintiff's vehicle was damaged to the point that it was a total loss and depreciated, and Plaintiff also seeks compensation for property damages, plus all towing and storage fees, and damages for rental car for a reasonable period of time.

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff, Victoria Harper, respectfully moves this Honorable Court for a trial by jury and to enter judgment in favor of Plaintiff against Defendant, Blake Thigpen, in an amount as may be determined by the jury to fully compensate Plaintiff for all personal and property damages sustained as a result of the subject accident, plus pre- and post-judgment interest, attorneys' fees and all costs incurred in filing and prosecuting the subject action, and for such other and further relief as the Court deems just and proper.

**RESPECTFULLY SUBMITTED,** this the 6<sup>th</sup> day of March, 2019.

VICTORIA HARPER, *Plaintiff*

  
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*Attorney for Plaintiff*

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